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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4808/2016 & C.Ms.20055-56/2016**

KANTA DEVI Petitioner

Through: Mr. Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Ajay Digpaul, CGSC, with
Ms. Mohita, Advocate for
respondents-UOI with Mr. S.S.
Sejwal, Law Officer and Mr. B.K.
Rout, Pairvi Officer, CRPF

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **24.05.2016**

1. The petitioner's husband was enrolled as Constable (Mochi) in CRPF in the year 1981 and was promoted to the rank of Head Constable in the year 1997 and had died on 08.08.2010 while being in service and posted at Group Centre, CRPF, Siliguri (West Bengal).
2. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents to grant her husband the benefits under the ACP Scheme upon completion of 24 years of regular service.
3. Mr. Chhibber, learned counsel for the petitioner, states that the

issue raised in the present petition stands settled vide judgment dated 05.03.2015 passed by the Division Bench in a batch of writ petitions, lead matter registered as **W.P.(C) 388/2015** entitled Om Prakash and Ors. Vs. UOI and Ors., whereunder directions were issued to the respondents to grant the petitioners therein the second ACP benefits with effect from the date, they had completed 24 years of service, reckoned from the date of their initial appointment, subject to their being fit for promotion and subject to other eligibility conditions.

4. Learned counsel for the petitioner points out that after the judgment dated 05.03.2015 was pronounced, the respondents had filed review petitions seeking review of the said decision, which were dismissed by a common order dated 29.01.2016, by holding that re-mustering of the petitioners therein to the rank of Naik RO had to be ignored for grant of ACP. It is stated by counsel for the petitioner that the petitioner's husband herein is entitled to identical relief as he has completed 24 years of service, from the date of his initial appointment.

5. That the legal position stands settled vide judgment dated 15.03.2015 in the captioned cases, is not disputed by the respondents though learned counsel for the respondents add that they are contemplating filing SLPs against the said judgment.

6. Learned counsel for the petitioner submits that in view of the judgment in the captioned cases, the petitioner had served a legal notice dated 5th April, 2016, on the respondents stating *inter alia* that her case was covered by the judgment dated 6.9.2013 by the Division Bench in W.Ps.(C). No.5539/2013, 5059/2013 and 4258/2013. However, the respondents did not grant the benefit of the second ACP to the petitioner.

This is despite the fact that the respondents had on their own issued a clarification dated 16th February, 2015, regarding implementation of the judgment dated 6th September, 2013 in W.P.(C). 4258/2013, entitled “Gajraj Singh and Others v Union of India and Others”.

7. Learned counsel for the respondents, on instructions from Mr. S.S. Sejwal, Law Officer, CRPF, assures the Court that the petitioner’s case shall be processed in terms of the directions issued vide judgment dated 6th September, 2013 passed in W.Ps.(C). No.5539/2013, 5059/2013 and 4258/2013, subject to his being eligible and upon verification of the factual position.

8. The respondents are directed to take a decision on the petitioner’s grievance raised above and convey the same to her within ten weeks from today. If the petitioner’s husband is found eligible for being promoted and resultantly, entitled to grant of the second ACP benefits, the same shall be extended to him within the same timeline and the arrears would be paid within eight weeks from the date of the decision. In case the arrears are not paid within the stipulated timeline, then the same shall carry simple interest @ 8% per annum.

9. The petition is disposed of along with pending applications.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 24, 2016

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